

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CHRISTOPHER A. PHILLIPS, DEANDRE)	
L. BLUE, HEATHER DEMIAN, BRIAN C.)	
LOHMANN, JEROME TOLLIVER, JR.,)	
EBONY WILLIAMS,)	
)	
Plaintiffs,)	
)	
vs.)	Case No.: 4:16-cv-00084 RLW
)	
CITY OF FERGUSON, MISSOURI, EDDIE)	
BOYD, III, DUSTIN BURNES, HARRY)	
DILWORTH, KEVIN HAMMOND, JOSHUA)	
MACE, AND ERIN O'BRIEN,)	
)	
Defendants.)	

JOINT PROPOSED SCHEDULING PLAN

Pursuant to Fed.R.Civ.P. 26(f) and the Court's March 23, 2016, Order Setting a Rule 16 Conference, an initial meeting of the parties was via electronic mail with attorneys for Plaintiffs and Defendants participating.

THE SCHEDULING AND DISCOVERY PLANS WERE DISCUSSED AMONG COUNSEL AND AGREED TO AS FOLLOWS:

1. The **Track 2 Assignment** for this case is appropriate.
2. The parties have discussed the exchange of electronically store information and have agreed that, to the extent the parties seek electronic documents and communications through discovery, the parties have agreed to work to ensure that relevant documents are not spoliated and that archival and backup data are stored.
3. At this time, there is no need to conduct discovery in phases or limit it to certain issues. The parties anticipate additional time may be required to respond to discovery, and if

such affects these deadlines, motions to amend will be considered. Unless otherwise specifically stated, responses shall be due 30 days after service, which may be conducted by electronic mail.

4. The parties have not yet determined whether physical or mental examinations of the plaintiffs pursuant to Fed.R.Civ.P. 35 will be necessary; however they have agreed no deadlines are necessary at this point. They will meet and confer to establish deadlines, if necessary.

5. Initial disclosures pursuant to Fed.R.Civ.P. 26(a)(1) shall be made by **May 20, 2016**.

6. Joinder of additional parties and amendment of the pleadings shall be made by **July 20, 2016**.

7. The parties agree to participate in mediation and such mediation would be most productive after **August 22, 2017**.

8. Expert witnesses shall be disclosed, along with a written report prepared and signed by the witness pursuant to Fed.R.Civ.P. 26(a)(2) as follows:

- a. Disclosure of Plaintiffs' expert(s): **October 31, 2016**.
- b. Depositions of Plaintiffs' expert(s) must be taken by **November 14, 2016**;
- c. Disclosure of Defendants' expert(s): **December 12, 2016**;
- d. Depositions of Defendants' expert(s) must be taken by **January 9, 2017**.

9. Expert witnesses shall be disclosed, along with a written report prepared and signed by the witness pursuant to Fed.R.Civ.P. 26(a)(2) as follows

- a. Disclosure of rebuttal experts by **February 13, 2017**.
- b. Deposition of rebuttal experts must be taken by **February 27, 2017**.

10. The presumptive limits twenty-five (25) interrogatories per party as set forth in Fed.R.Civ.P. 33(a) should apply in this case.

11. Plaintiffs anticipate needing more than ten (10) depositions as there are currently seven (7) named Defendants, and Plaintiffs expect that there will be more than three (3) additional fact witnesses.

12. Discovery shall be completed by **February 27, 2017**.

13. Any motions to dismiss, motions for summary judgment, motions for judgment on the pleadings or, if applicable, any motion to exclude testimony pursuant to *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) or *Kuhmo Tire Co. Ltd v. Carmichael*, 526 U.S. 137 (1999), shall be filed no later than **March 27, 2017**.

14. Any oppositions to motions to dismiss, motions for summary judgment, motions for judgment on the pleadings or, if applicable, any motion to exclude testimony shall be filed no later than **April 25, 2017**.

15. Any replies to opposition to motions to dismiss, motions for summary judgment, motions for judgment on the pleadings or, if applicable, any motion to exclude testimony shall be filed no later than **May 10, 2017**.

16. The earliest date this case will be ready for trial is **July 10, 2017**.

17. The parties anticipate the trial will last 3-5 days.

18. No parties appear in this matter pro se.

Respectfully Submitted,

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